REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

In the Office Action, claims 1-2, 5, 10-11 and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,385,596 to Wiser et al. ("Wiser"). Dependent claims 3-4 and 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser. Dependent claims 6 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser in view of U.S. Patent No. 5,421,620 to Sauerwine ("Sauerwine"), dependent claims 7-8 and 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser in view of U.S. Patent No. 6,385,596 to Vigneaux et al. ("Vigneaux"), and dependent claims 9 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiser in view of U.S. Patent No. 6,057,872 to Candalore ("Candalore"). Claim 19 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,298,385 to Sparks et al. ("Sparks"). Dependent claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sparks.

In response to the Office Action, Applicants have amended claims 1 and 10 to clarify the intended meaning of these claims. Accordingly, claims 1-20 remain pending herein upon entry of this Amendment. Applicants respectfully traverse the prior art rejections of independent claims 1, 10, and 19, and for the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

Applicants respectfully submit that Wiser does not anticipate independent claims 1 and 10. Specifically, Wiser is directed to a "Secure Online Music Distribution System" that provides for secure delivery (through multiple layers of encryption) of media over a public communications network. Wiser describes a system that authenticates a user's identity, encrypts specific media being purchased by the user to identify the user, provides a secure communication for the purchase transaction, and requires the purchasers to use a decryption key for access to the purchased media. (Wiser, col. 3: 33-50). The music distribution system in Wiser also describes a "Publishing" aspect for "distributing media data files 200 from their respective authors to the content manager 112 for inclusion in the music distribution center 124" after it is authenticated and encrypted. (Wiser, col. 11: 63-67).

Claim 1 recites a method for providing encoded media content in response to a "first request to encode a media program file" and "if the end user does not request hosting of the one or more encoded media files, enabling the end-user client to access the one or more encoded media files without hosting the files for access on a hosting server" as recited in claim 1. Wiser is silent regarding an option to host or not host and therefore does not teach or suggest the method recited in claim 1. Similarly, Wiser does not teach or suggest "a computer-readable medium" that receives a "first request" and "if the end user does not request hosting of the one or more encoded media files, enabling the end-user client to access the one or more encoded media files without hosting the files for access on a hosting server" as is recited in claim 10.

Although Applicants maintain that there is no teaching in Wiser of the "second request" as recited in each of claims 1 and 10 as previously argued, to advance prosecution, Applicants add the alternative that if such a second request is not made then the one or more encoded media files are available to the end-user client "without hosting the files for access on a hosting server." Support for this addition can be found beginning on page 12. As described in relation to the end-user options, the user may choose not to enable general public access via a hosting arrangement.

Previously added claim 19 recites the steps of "receiving a request to host a media program file in a particular encoding format" and "encoding the media program in the requested encoding format." For the same reasons as provided above, Wiser does not teach or suggest encoding files in a particularly requested format as recited in claim 19. In addition, contrary to the Examiner's assertion, Sparks also does not anticipate claim 19. The format described in Sparks is a transmission format that relates only to how the particular file is transmitted (e.g., by 12.2 k baud modem, 28.8k baud modem, and ADSL format) and does not at all relate to the format used for accessing the file, i.e. the encoding format. See Sparks, col. 5, lines 5-10. As defined in the specification at page 2, "encoded media files" refers to encoding formats such as RealAudio, Liquid Audio, etc. Accordingly, the transmission format of Sparks is quite different from the encoding format as used in the present application.

Dependent claims 2-9, 11-18 and 20 are each believed to be patentable as being dependent upon a patentable independent claim.

In view of the foregoing all of the claims in this case are believed to be in condition for

allowance. Should the Examiner have any questions or determine that any further action is

desirable to place this application in even better condition for issue, the Examiner is encouraged

to telephone applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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